

US-30-25

2638

**EXPRESS MAIL CERTIFICATE**

Express Mail No.: - EV 645599651 US

Date of Deposit: - August 29, 2005

Type of Document(s): - Transmittal Form (PTO/SB/21)  
- Amendment and Response to Non-Final Office Action  
(16 pages)  
- Postcard Filing Receipt

Application No.: - 09/648,672

Filed: - August 23, 2000

Applicant(s): - Stewart Kevin HESTER et al.

Title: - ***Fault Detection And Isolation In An Optical Network***

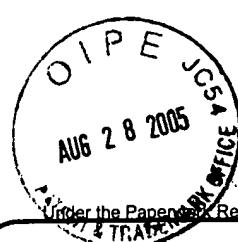
Examiner: - David C. Payne

Art Unit: - 2638

Attorney Docket No.: - 10.0863 (4345)

I hereby certify that the above-referenced documents are being/have been deposited with the United States Postal Service "Express Mail Post Office to Addressee" in accordance with 37 CFR 1.10 on the above-referenced date and are being/have been addressed to:  
**Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 USA.**

Barbara C. Brown  
Barbara C. Brown  
Paralegal



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

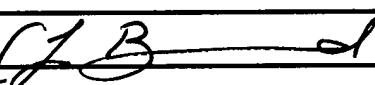
(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

16

|                      |                             |
|----------------------|-----------------------------|
| Application Number   | 09/648,672                  |
| Filing Date          | August 23, 2000             |
| First Named Inventor | Stewart Kevin HESTER et al. |
| Art Unit             | 2638                        |
| Examiner Name        | David C. Payne              |

Attorney Docket Number 10.0863 (4345)

| ENCLOSURES (Check all that apply)   |  |   |         |
|---|--|---|---------|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): | Remarks |
| RETURN RECEIPT POSTCARD   |  |   |         |
| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>   |  |   |         |
| Firm Name   | Dougherty, Clements, Hofer, Bernard & Walker   |   |         |
| Signature   |   |   |         |
| Printed name  | Christopher L. Bernard   |   |         |
| Date  | 8-29-2005  | Reg. No.  | 48,234  |

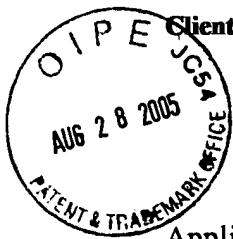
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |   |      |           |
|-----------------------|---|------|-----------|
| Signature             |  |      |           |
| Typed or printed name | Barbara C. Brown  | Date | 8-29-2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                 |   |  |
|-----------------|---|--|
| Applicant(s)    | ) | Stewart Kevin HESTER et al.                            |
| Application No. | ) | 09/648,672   |
| Filed           | ) | August 23, 2000  |
| Title           | ) | FAULT DETECTION AND ISOLATION<br>IN AN OPTICAL NETWORK |
| Examiner        | ) | David C. Payne   |
| Art Unit        | ) | 2638   |

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450 USA

---

**AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION**

Dear Sir:

In response to the non-final Office Action mailed June 15, 2005, rejecting Claims 1-20, 22-27, and 29-36 of the above-referenced Application, in which Claims 1-28, 35, and 36 are pending, Applicants respectfully request that the following amendments be entered and remarks be considered. In view of these amendments and remarks, Applicants submit that the Application is now in condition for allowance and respectfully request such action.